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C.J. 1082

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. ....2680.../2004

PETITIONER : Juthel Yadav Age 50 years,
S/o. Shri Motiram Yadav
R/o. Pauni P.O. Mahli, Tahsil
Pandariya, Distt. Kawardha (C.G.)

VERSUS

RESPONDENTS : 1] State of Chhattisgarh,
Through Secretary, Public Works Deptt.
Mantralaya, DKS Bhawan-Raipur (C.G.)

R. R. No. 26/6/04
Presented by Shri Sameer Sahu
dated 15-3-04

2] Sub-Divisional Officer,
PWD, Kawardha (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(174)

**HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR**

**Single Bench : Satish K. Agnihotri, J**

**WRIT PETITION NO.93 of 2005**

Bharatram Sahu and others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.4533 of 2004**

Ramchand

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.2307 of 2004**

Ramkumar Tiwari

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.1194 of 2004**

Punai Bai

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.933 of 2004**

Dheraharam & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.716 of 2004**

Madan Lal Sahu

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.144 of 2004**

Thanu Ram

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.1723 OF 2003**

Lathkhor Sahu & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.1722 of 2003**

Mohan Lal Dadsena & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.4530 OF 2004**

Kartikram Halba

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.2713 of 2003**

Gangaram & Another

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.1945 of 2003**

Preet Lal & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.1080 of 2003**

Gokul Ram Verms

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.1835 of 2003**

Chhedilal Verma & Another

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO. 1879 of 2003**

Manglu Ram & Another

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO. 1919 of 2003**

Santuram & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.2045 of 2003**

Kejuram Verma & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.4721 of 2004**

Shankarlal

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.4722 of 2004**

Mohit Ram & Another

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.4723 of 2004**

Ajay Patel

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.4731 of 2004**

Baldeo Das & Another

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.1664 of 2003**

Smt. Mana Bai

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.1663 of 2003**

Sukhi Ram & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO. 4780 of 2004**

Bishat Ram Sahu

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.4716 of 2004**

Bansi & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.1673 of 2003**

Samaru & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.3532 of 2003**

Dainik Vetanbhogi Mazdoor Sangh, Durg

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.2543 of 2005**

Rohit Satnami & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO. 2959 of 2004**

Khedia Bai

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.3280 of 2004**

Ram Singh & Another

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.1970 of 2004**

Dileram Patel & Others

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.4200 of 2004**

Digree Lal & Others

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.3886 of 2004**

Roopgir & Another

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.2688 of 2004**

Prabhu Ram & Another

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.2683 of 2004**

Suklal

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.2682 of 2004**

Gopi

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.2681 of 2004**

Bala Ram Sahu & Another

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.2680 of 2004**

Juthel Yadav

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.2678 of 2004**

Shrawan Kumar & Another

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.2667 of 2004**

Puneet Ram Sahu

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.2668 of 2004**

Safik

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.2472 of 2004**

Sewa Ram

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.2471 of 2004**

Vishnu

Vs.

State of Chhattisgarh and Another

**WRIT PETITION NO.3039 of 2004**

Deendayal Barate

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.2041 of 2003**

Man Singh & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.2048 of 2003**

Latel Ram Kewat & Others

Vs.

State of Chhattisgarh and others

**WRIT PETITION NO.2679 of 2003**

Kripalu Sahu

Vs.

State of Chhattisgarh and others

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Present : Mr. Kishore Bhaduri, Mr. Sunil Ottwani, Mr. Anoop Majumdar, Mr. Vinay Pandey, Mr. Ashok Das Vaishnav, Mr. Anil Singh Rajput, Mr. R.S. Baghel, Mr. B.R. Ghosh, Mr. Gautam Khetrapal, Mrs. Fauzia Mirza, learned counsel for the petitioner(s).

Mr. V.V.S. Murthy, & Mr. P.S. Koshy, learned Dy. Advocate Generals with Mr. Pankaj Shrivastava & Mr. Vivek Sharma, learned Panel Lawyers for the State of Chhattisgarh.

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**ORDER**
**(Passed on 15th September, 2005)**

The petitioners in this batch of writ petitions are working as permanent Gang Men in the Public Works Department of the State Government. Accordingly, this batch of writ petitions is being disposed of by a common order.

(2) The petitioners were employed as permanent gang men with the Public Works Department of the Government. The petitioners

continue to work as casual permanent gang men ever since. By order dated 02.04.2003 / 24.04.2003, the respondent / State decided to terminate the services of the petitioners / gang men working in the Public Works Department either on completing 30 years of service or attaining the age of 60 years, which ever was earlier. Pursuant to this order, the petitioners were retired from their services on completion of 30 years of service. During the pendency of this petition, the State Government by order dated 24.03.2005, decided to retire gang men working in the Public Works Department on attaining the age of 60 years and decided to delete the clause "retiring the gang men on completion of 30 years of service". This order was made effective with effect from 30.03.2005.

(3) After hearing the learned counsel for the parties, it is clear that the requirement of completion of 30 years of service for the purpose of retirement has been deleted w.e.f. 30.03.2005. Learned counsel appearing for the State / respondent submits that this order would be effective from 30.03.2005 and as such the gang men who had already retired from 30.03.2005 may not be given benefit of this order. The argument of the learned counsel is not tenable and the same is not accepted. Purport of the order is quite clear and unambiguous as it appears from the perusal of the order as well as from the contentions of the petitioners that the gang men who have not completed the age of 60 years as on 30.03.2005, they will be allowed to continue till they attain the age of 60 years. It is informed by the learned counsel for the petitioner(s) that some of the gang men, who have already retired on completion of 30 years of service, have been paid retiral benefits i.e. gratuity only. This will be unfair, if the petitioners, who have retired before 30.03.2005 on completion of 30 years of service, though they have still some years to go before 60 years of age, are not given benefit of order dated 30.03.2005.

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(4) For the reasons stated above, the respondents are directed to allow all the gang men, who had retired on completion of 30 years of service but have not attained the age of 60 years, to rejoin the services and continue till they attain the age of 60 years, subject to depositing the retiral benefits, if any, given to them.

(5) In some of the petitions, the petitioners have prayed for regularization of their services as Gang-man. Learned counsel for the petitioners submit that the said prayer be dismissed as not pressed at present. However, the liberty be granted to the petitioners to raise the issue of regularization before the appropriate forum, if necessary. The petitions with regard to the prayer of regularization are dismissed as not pressed with liberty to the petitioners to raise the dispute seeking redressal of the relief of regularization, if necessary, before the appropriate forum.

(6) In view of the foregoing, the petitions stand allowed to the extent indicated above. The respondents are further directed to comply with this order within a period of two months from the date of receipt/communication of this order. No order as to costs.

Parties are entitled for certified copy of this order.

**Sd/-**
**Satish K. Agnihotri**
**Judge**